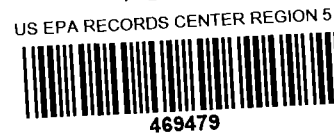


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BLVD
CHICAGO, ILLINOIS 60604



January 10, 2013

BY ELECTRONIC MAIL
AND U.S. MAIL

Ms. Heather Calhoon
Jones Lang LaSalle Brokerage, Inc.
4300 Amon Carter Blvd.
Suite 100
Fort Worth, TX 76155

Re: Request for Consent to Access to property adjacent to 947 West Cullerton
Avenue, Chicago, Illinois

Dear Ms. Calhoon,

The United States Environmental Protection Agency (U.S. EPA) Region 5 Superfund Division is requesting access to certain real property located adjacent to 947 West Cullerton Avenue near the intersection with South Sangamon in Chicago, Illinois, and owned by BNSF (see attached map). This request is made pursuant to the authority granted in Section 104(e)(3) and (4) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. ' 9604(e)(3) and (4). Our review indicates that BNSF is the owner of record of the property, which generally appears to be a railroad corridor operated by the former Chicago, Burlington & Quincy Railroad. Our purpose in entering the property is to evaluate the extent of contamination from activities at the adjacent, former Loewenthal Metals Company facility, and determine the scope of a response action under CERCLA. In this respect, U.S. EPA has received information from the Illinois Environmental Protection Agency suggesting elevated levels of metals may be present in soils at this location. U.S. EPA verified in November of 2012 that there are elevated levels of metal present in the soil and needs to determine the extent of the contamination.

We would like to enter the railroad corridor for assessment purposes as soon as possible, weather conditions permitting. We would reserve the authority to photograph the property and engage in soil sampling. If samples are taken, we would provide you with a receipt and an opportunity to take split samples. I have attached a copy of the sampling plan as you requested.

While Section 104(e) of CERCLA authorizes U.S. EPA to enter, at reasonable times, private property to which hazardous substances, pollutants or contaminants may have been released, it is our policy first to seek the owner's consent to entry. Accordingly, enclosed is a

consent for access for an authorized BNSF representative's signature. Please arrange for this consent for access to be signed and return it to me at:

Steven Faryan
Superfund Division, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

as soon as possible. If we do not hear from you or another BNSF representative, we may treat your failure or omission to respond as a denial of consent, and we would evaluate the alternatives available to us, which include commencing a civil action for access. Further, U.S. EPA would treat the denial or omission to respond or approve of access due to the charging of a fee as a denial of consent, and we would evaluate the alternatives available to us, which would include commencing a civil action for access.

I am attaching a map of the area that we would collect samples and the field sampling plan for your records. We will utilize a geoprobe to collect core soil samples to a depth not to exceed 8 feet. All utilities will be cleared prior to commencing the work.

You are welcome to contact me at (312) 353- 9351; you or BNSF's legal counsel are also welcome to contact Associate Regional Counsel Mr. Tom Williams at (312) 886-0814, or at williams.tom@epa.gov. Thank you for your cooperation.

Sincerely,

Steve Faryan, US EPA On-Scene
Coordinator, US EPA Region 5

Enclosures
Sampling Location Map
Sampling Plan

cc: Tom Williams, Associate Regional Counsel

CONSENT FOR ACCESS TO PROPERTY

Name:

Title:

Location of Property: Railroad corridor east of and adjacent to 947 West Cullerton Avenue, at intersection with South Sangamon, Chicago, Illinois

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency ("U.S. EPA") entering and having continued access to the property, at the address identified above for the purpose of conducting a site assessment, including:

Conducting a visual inspection of the property;

Taking photographs of the property; and

Taking surface and depth samples of soils at the property.

I realize that these actions taken by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. ' ' 9601 *et seq.*

This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

Date

Name